

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **JOHANNA IVETTE PASTRANA FIGUEROA**CASE NO: **15-06378-ESL**

Debtor(s)

**Chapter 13****TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$0.00** Outstanding (Through the Plan): **\$3,000.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median IncomeLiquidation Value: **\$2,726.00**Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: Jun 21, 2016 (Dkt 63) Plan Base: **\$66,000.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 0 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

The Plan fails to provide for direct payment of First Bank's mortgage loan. (Claims 5)

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with plan scheduled distribution or no sufficient information to determine it.

The Plan is insufficiently funded to pay all the secured claims.

**\*OTHER COMMENTS / OBJECTIONS**

The stay was lifted in favor of First Bank on June 30, 2016. (Docket No. 65) On June 30, 2016, Debtor filed a motion requesting the reconsideration of the Order lifting the automatic stay, in light of this, it is necessary First Bank's acceptance to the treatment provided in the Plan.

Debtor is requesting the reconsideration of the Order lifting the stay. (Docket No. 66)

Secured creditors, Banco Popular de PR and First Bank have not filed their proof of claims for the payments of post-petition arrears.

-Trustee objects the elimination of the provision regarding pre-adequate protection payments to Toyota Financial Services. As of this date, the Trustee has disbursed \$1,350.00 of pre-adequate protection payments to this creditor.

**NOTICE**

**14 day notice:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.  
**CHAPTER 13 TRUSTEE**  
PO Box 9023884, San Juan PR 00902-3884  
Tel. (787)977-3535 Fax (787)977-3550

Date: July 01, 2016

/s/ Mayra Arguelles, Esq.